

11-26-01

A

PTO/SB/05 (3-3-01)

Please type a plus sign (+) inside this box ☒

Approved for use through 10/31/2002. OMB 9551-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 91.04.54 DIV

First Inventor Stephane BEJANIN, et al.

Title Human cDNAs and Proteins and Uses Thereof

Express Mail Label No. EV01627642US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 394]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages ]  
a. ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)  
b. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting Inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☒ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☒ CD-ROM or CD-R (2 copies); or  
ii. ☒ paper  
c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09 / 924,340

Prior application information: Examiner Group Art Unit: 1645

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label 000027206 (Insert Customer No. or Assignor Bar code label here) or ☒ Correspondence address below:

Name John Lucas, Ph.D., J.D.

GENSET CORPORATION

Address 10665 Sorrento Valley Road

City San Diego State CA Zip Code 92121-1609

Country U.S.A. Telephone 858/597-2600 Fax 858/597-2601

Name (Print/Type) John Lucas, Ph.D., J.D. Registration No. (Attorney/Agent) 43,373

Signature [Signature] Date 8/1/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 510.00

## Compl te if Known

Application Number	
Filing Date	November 13, 2001
First Named Inventor	Stephane BENJANIN, et al.
Examiner Name	Unassigned
Group Art Unit	Unknown
Attorney Docket No.	91 USA DIV

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-1181  
 Deposit Account Name: Genset Corporation

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 370.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
18	-20** = 0	0	0.00
2	-3** = 0	42	0.00
Multiple Dependent		140	140

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	16	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 140.00

\*for number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
126	1,960	226	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

## SUBMITTED BY

Express Mail Label No. EV01627462US

Complete (if applicable)

Name (Print Type)	John Lucas, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,373	Telephone	(858) 597-2600
Signature	<i>John Lucas</i>	Date	14 Nov 01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



G E N S E T

Direct Dial: (858) 597-2610  
E-Mail: john.lucas@genxy.com

November 13, 2001

**Express Mail Label No. EV016276462US**

Assistant Commissioner for Patents  
Box: Patent Application  
Washington, D.C. 20231

RE: U.S. Divisional Patent Application  
For: HUMAN CDNAS AND PROTEINS AND USES THEREOF  
Inventor(s): Stephane Benjamin and Hiroaki Tanaka  
Our Ref.: 91.US4.DIV

Dear Sir:

Enclosed please find the above-identified divisional utility patent application for filing with the United States Patent and Trademark Office. This application claims priority on U.S. Serial No. 09/924,340, filed August 6, 2001 and International Patent Application No. PCT/IB01/01715 filed July 13, 2001; U.S. Provisional Application Serial No. 60/302,277, filed June 29, 2001; U.S. Provisional Application Serial No. 60/298,698, filed June 15, 2001; and U.S. Provisional Application Serial No. 60/293,574, filed May 25, 2001. Small Entity status is asserted for this application. The following documents are transmitted herewith:

	<u>Quantity</u>
1) Specification, Tables, Claims and Abstract	394 pages
2) Drawings (Figs. 1-4)	4 sheets
3) Application Data Sheet	4 pages
4) Utility Patent Application Transmittal, Fee Transmittal for FY 2002, Patent Application Fee Determination Record	3 sheets
5) Our check in the amount of \$510.00 for the filing fee - small entity	
6) Paper copy of Sequence Listing	106 pages
7) Copies of the Sequence Listing on CD-ROM	1 CD
8) Sequence Listing Verification Statement	1 page
9) Return Receipt Postcard	

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment in the processing of these documents to our Deposit Account No. 50-1181.

Very truly yours,

GENSET CORPORATION

John Lucas, Ph.D., J.D.

Reg. No. 43,373

JL/DDP/cmm  
Enclosures

cc: Helene Sarrazeca (w/encls.)

**Certificate of Mailing under 37 CFR 1.10**

Express Mail Label No.: EV016276462US Date of Deposit: November 13, 2001  
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the Date of Deposit shown above, postage prepaid and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Signature Deno P. Diaglyngs  
Typed or Printed Name of Person Signing Certificate